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Mr. PALLONE. One of the things we found in this bill is that only a set amount of money would be directed to pay for the HMO or the managed care plan and that seniors, if they wanted a better plan or if they felt that HMO did not provide adequate coverage, would, in fact, be asked or could, in fact, be asked by the HMO or managed care system to pay more out of pocket. That is the reality.

That is what we have before us when we look at this, when we look at this GOP Medicare plan that is before the Committee on Commerce. It is essentially a voucher system. But worse than that is that there is a proposal, if enough savings are not achieved, in other words, if enough seniors do not opt to go into a managed care HMO system, then cuts would automatically occur a few years down the line.

But the cuts, again, would be not to those people who go into the HMO or to the managed care system but rather for those seniors who opt to stay in a traditional fee-for-service system where they choose their own doctor or own hospital. All of the cuts that would come into play, if enough people do not go into HMO's or managed care, all of the cuts in the reimbursement rates to the hospitals or physicians or to other health care providers would come on the fee-for-service side.

What that would mean is that eventually those hospitals and doctors that continue in the fee-for-service system, where you can choose your own doctor and you do not have to go into managed care, they would find less and less money coming to them from the Federal Government, and they ultimately would have to, again, move into an HMO or managed care system because it would not pay for them to stay in the traditional fee-for-service system.

So what we have here is a program that essentially forces all of our senior citizens ultimately into an HMO or fee-for-service where they do not have choice of doctors.

The other thing that came to light in the document that was given to the Committee on Commerce last week is that the whole discussion on the part of the Republican leadership about how they were trying to go after fraud and abuse in Medicare, well, essentially that is a hoax. Because if you look at the actual bill, it makes it more and more difficult for the Federal Government to weed out fraud and abuse in the Medicare system. We estimate that over a course of 7 years, \$126 billion could be saved by reducing fraud and abuse.

But the GOP bill makes the existing civil monetary penalties and anti-kickback laws considerably more lenient. According to the inspector general of the Department of Health and Human Services, who testified before our alternative Commerce Democrats' meeting, hearing last week, the Medicare restructuring legislation would substantially increase the Government's bur-

den of proof in cases under the Medicare-Medicaid anti-kickback statute. Although a fund would be created to direct funds recovered from wrongdoers, this fund would not go to further law enforcement efforts. What that means is it is going to be harder for the Government to prove fraud and abuse because the Government would have a higher burden of proof.

If we do recover monies, because we do find fraud and abuse, find these kickback schemes that have existed, that money will not go back to law enforcement. There will be less and less, and it will be more and more difficult for the Government to go after fraud and abuse.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GIBBONS] is recognized for 5 minutes.

[Mr. GIBBONS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

A DANGEROUS PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognized for 5 minutes.

Mr. SKAGGS. Mr. Speaker, I would like to continue the discussions that we have been having here for some weeks now about the so-called Istook-McIntosh-Ehrlich proposal, an un-American, unfair effort to clamp down on political expression and political advocacy activities through a broad swathe of America, individuals and nonprofits and for-profits and partnerships. You name it, just about everybody is going to be covered by this effort to restrict the ability of Americans to enjoy their first amendment rights to participate in the public affairs of this country.

One of the things that is buried in this voluminous proposal has to do with the compliance provisions to make sure that no one and no organization was too active politically if they happened to get anything of value or a grant from the Federal Government. Remember that anything of value encompasses a multitude of possibilities, including, for instance, such things as irrigation water going to a western rancher or farmer from the Bureau of Reclamation.

In any case, anybody that is subject to the Istook limits on political advocacy and expression could be called to task, not in order to defend against a government allegation of a violation but, if challenged, would have to prove their innocence under this legislation. Again, it is not a case where the Government has to prove a violation. If you are challenged for having done too much political activity in a year, you have to prove your innocence. You not only have to prove your innocence by what would be the normal standard in our courts of a preponderance of the

evidence, more than 50 percent, you have to establish compliance by clear and convincing evidence.

Now we are talking, remember, about exercising our first amendment rights and being able to show that we have not overexercised, if you will, and having to show that on meeting our own burden of proof by clear and convincing evidence. Not only could a government agent come in to challenge a citizen or a nonprofit or a for-profit organization about this in this land of the free, but this bill invites, by incorporating what is called the False Claims Act, invites rampant vigilantism throughout this country because under the False Claims Act any citizen can sue anybody that they think may have violated these restrictions and any citizen can put an organization or their neighbor to the task of defending, of proving innocence under the absolutely warped scheme that would be imposed on this country under the Istook-McIntosh-Ehrlich bill.

Under the False Claims Act, if you are put to this proof that you have not overdone your political expression this year, you are doing so at the risk of treble damages and fines imposed under the False Claims Act. Again, an invitation to the opponents of anyone who is taking a position that may not be particularly popular in their community or in their neighborhood, an invitation to this kind of gratuitous activity by badly motivated vigilantes.

One of the other things about this proposal that, again, has not gotten the kind of attention it deserves is the reporting requirement. Every organization in this country that gets any grant or thing of value from the Federal Government, and that may be, for instance, a reduced postage mailing permit for publications and newspapers, but anyone that gets such a thing of value from the Federal Government is going to have to file every year a certification with regard to their compliance that enumerates their political activities for the preceding Federal fiscal year and gives an estimate of how much was spent on political activity.

All of these individual reports will be collated by every Federal agency that dispenses anything of value or any grant money and sent over to the Census Bureau, which every year will be required under this crazy legislation to pull together a national registry of political activity in this country and make it available on the Internet.

Can you imagine anything as inconsistent, as contradictory to the fundamental principles of this democracy, of the free exercise of speech and communication and freedom of assembly, having to do with the political life of our democracy?

Rumor two, although, this masquerades as having to do only with lobbyists and the Federal Government, these restrictions apply across the board to anything anybody does having the